

FILED

MAR 29 2017

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

U. S. DISTRICT COURT
EASTERN DISTRICT OF MO
ST. LOUIS

UNITED STATES OF AMERICA,

Plaintiff,

v.

JAYNA SMALL and
DARREN SMALL,

Defendants.

No.

4:17CR149 CDP/DDN

INDICTMENT

COUNT 1 – Conspiracy to Commit Access Device Fraud

The Grand Jury charges that:

1. At all times relevant to this Indictment, the Kinloch Fire Protection District (hereinafter referred to as “the District”) was a public governmental body established within the State of Missouri in order to provide a fire department for the residents of the City of Kinloch, Missouri. The District was required to operate through a duly appointed Board of Directors, which was required to hold regular meetings and to authorize District business and expenditures.
2. The District received periodic tax revenues from St. Louis County, Missouri, and received revenue from inspections it conducted of commercial properties and construction projects located within the City of Kinloch.
3. At all times relevant to this Indictment, the District maintained a single operating bank account at Central Bank of St. Louis (formerly First National Bank of St. Louis), with an account number ending in 9137 (hereinafter referred to as “the District’s bank account”). All of the money from the St. Louis County tax revenues and the revenue from inspections was deposited into the District’s bank account to fund the District’s general operations. A

MasterCard debit card bearing an account number ending in 1875 (hereinafter referred to as “the District’s debit card”) was linked to the District’s bank account and was used to access funds in the District’s bank account.

4. At all times relevant to this Indictment, Defendant JAYNA SMALL was the President of the District. Defendant JAYNA SMALL was an authorized signatory on the District’s bank account and controlled the District’s finances.

5. At all times relevant to this Indictment, Defendant DARREN SMALL was the Chief of the District and the Mayor of the City of Kinloch, Missouri. Defendant DARREN SMALL was not an authorized signatory on the District’s bank account.

6. At all times relevant to this Indictment, Defendant DARREN SMALL and Defendant JAYNA SMALL were husband and wife (collectively referred to hereinafter as “the Smalls”).

CONSPIRACY

7. From in or around December 2013 until on or about March 2, 2017, in St. Louis County within the Eastern District of Missouri,

JAYNA SMALL and DARREN SMALL,

the Defendants herein, did knowingly and willfully combine, conspire, confederate, and agree, with one another and with other persons known and unknown to the Grand Jury, to commit the offense of Access Device Fraud in violation of 18 U.S.C. § 1029(a)(2) in that Defendant JAYNA SMALL provided the District’s debit card to Defendant DARREN SMALL for the purpose of engaging in unauthorized transactions affecting interstate commerce, such unauthorized transactions personally benefiting the Smalls and being unrelated to the legitimate operations of the District.

OVERT ACTS

8. The following overt acts were committed in furtherance of the aforementioned conspiracy:

- a. On or about February 6, 2016, Defendant DARREN SMALL, with intent to defraud, used the District's debit card to make a payment in the amount of \$350.96 to Laclede Gas for the Small's personal household utility bill.
- b. On or about March 22, 2016, Defendant DARREN SMALL, with intent to defraud, used the District's debit card to make a payment in the amount of \$160.79 to Ameren for the Small's personal household utility bill.
- c. On or about April 1, 2016, Defendant DARREN SMALL, with intent to defraud, used the District's debit card to make a payment in the amount of \$230.13 to Laclede Gas for the Small's personal household utility bill.
- d. On or about April 9, 2016, Defendant DARREN SMALL, with intent to defraud, used the District's debit card to make a payment in the amount of \$312.23 to Laclede Gas for the Small's personal household utility bill.
- e. On or about April 24, 2016, Defendant DARREN SMALL, with intent to defraud, used the District's debit card to make a payment in the amount of \$155.26 to Ameren for the Small's personal household utility bill.

All in violation of Title 18, United States Code, Section 1029(b)(2).

COUNT 2 – Access Device Fraud

The Grand Jury further charges that:

1. The factual allegations contained in paragraphs 1 through 6 and paragraph 8(a) through 8(e) of Count 1 of this Indictment are restated as if fully set forth herein.

2. From on or about February 6, 2016 until on or about April 24, 2016, in St. Louis County within the Eastern District of Missouri,

DARREN SMALL,

the Defendant herein, did knowingly and with intent to defraud use one or more unauthorized access devices during a one-year period, and by such conduct did obtain things of value aggregating \$1,000 or more, to wit, Defendant DARREN SMALL used the District's debit card to pay for the Smalls' personal household utility bills, and such use affected interstate commerce.

In violation of Title 18, United States Code, Sections 1029(a)(2) and 2.

COUNT 3 – Wire Fraud

The Grand Jury further charges that:

1. The factual allegations contained in paragraphs 1 through 6 of Count 1 of this Indictment are restated as if fully set forth herein.

SCHEME TO DEFRAUD

2. From in or around December 2013 until on or about March 2, 2017, in St. Louis County within the Eastern District of Missouri,

JAYNA SMALL and DARREN SMALL,

the Defendants herein, aiding and abetting each other and being aided and abetted by each other, did knowingly devise and execute and intend to devise and execute a scheme and artifice to defraud and to obtain money and property by means of material false and fraudulent pretenses, representations, and promises.

3. It was part of the scheme and artifice that the Smalls fraudulently diverted funds from the District to themselves by writing checks from the District's bank account, which they

cashed and thereafter used the funds for their own personal benefit and not for the legitimate operations of the District.

4. It was part of the scheme and artifice that the Smalls fraudulently used the District's debit card to make purchases and obtain cash for their own personal benefit and not for the legitimate operations of the District.

5. It was part of the scheme and artifice that Defendant JAYNA SMALL failed to convene regular meetings of the Board of Directors at which District business and expenditures could be discussed and/or authorized.

6. It was part of the scheme and artifice that Defendant JAYNA SMALL made false representations as to how funds from the District's bank account were being used.

7. It was part of the scheme and artifice that on or about March 31, 2016, Defendant JAYNA SMALL wrote check #1083 from the District's bank account, payable to herself, in the amount of \$7,200.00, and falsely represented on the check that it was in payment for the use of a "utility vehicle," when Defendant JAYNA SMALL well knew that the funds from the check were not going to be used for that purpose but instead were going to be used for a personal expense.

WIRE TRANSMISSION

8. On or about January 5, 2017, in St. Louis County within the Eastern District of Missouri,

JAYNA SMALL and DARREN SMALL,

the Defendants herein, for the purpose of executing the aforementioned scheme and artifice to defraud and to obtain money and property by means of material false and fraudulent pretenses, representations, and promises, transmitted and caused to be transmitted by means of wire

communication in interstate commerce, certain writings, signs, signals, pictures, and sounds, by making a purchase of merchandise at Wal-Mart in the amount of \$304.46 using the District's debit card, and thereby causing the transmission of data between the state of Missouri and the state of Arkansas.

In violation of Title 18, United States Code, Sections 1343 and 2.

COUNT 4 – Interstate Transportation of Money Taken By Fraud

The Grand Jury further charges that:

1. The factual allegations contained in paragraphs 3 through 7 of Count 3 of this Indictment are restated as if fully set forth herein.

2. On or about April 1, 2016, in the Eastern District of Missouri,

JAYNA SMALL,

the Defendant herein, did unlawfully transport, transmit, and transfer, and cause to be transported, transmitted, and transferred, in interstate commerce from St. Louis County, Missouri, to East St. Louis, Illinois, money taken by fraud of the value of \$5,000 or more, to wit, approximately \$7,000.00 in cash, knowing the same to have been taken by fraud.

In violation of Title 18, United States Code, Section 2314.

A TRUE BILL.

FOREPERSON

CARRIE COSTANTIN
Acting United States Attorney

REGINALD L. HARRIS, #48939MO
Assistant United States Attorney